

**UNITED STATES PATENT & TRADEMARK OFFICE**

Re: Application of: Chih-Ming Chen, et al.  
Serial No.: 09/705,625  
Filed: November 3, 2000  
For: **Methods for Treating Diabetes Via  
Administration Of Controlled Release  
Metformin**

BOX: MISSING PARTS  
Assistant Commissioner for Patents  
Washington, D.C. 20231

April 2, 2001

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Sir:

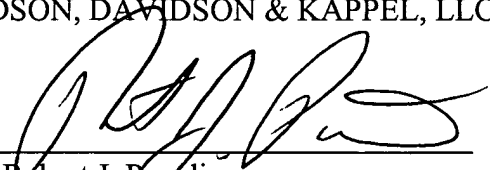
In response to the Notification of Missing Requirements dated February 2, 2001, a copy of which is enclosed, please find an executed Declaration/Power of Attorney form signed by the inventors, and a check in the amount of \$1092.00 covering the basic filing fee, additional claims fee, and surcharge.

If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,

DAVIDSON, DAVIDSON &amp; KAPPEL, LLC

By

  
Robert J. Paradiso  
Reg. No. 41,240

Davidson, Davidson & Kappel, LLC  
485 Seventh Avenue, 14<sup>th</sup> Floor  
New York, New York 10018  
(212) 736-1940

I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" in an envelope addressed to "Assistant Commissioner for Patents, Washington, DC 20231" on April 2, 2001.

DAVIDSON, DAVIDSON &amp; KAPPEL, LLC

BY: 



COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/705,625	11/03/2000	Xiu Xiu Cheng	300.1012

23280  
DAVIDSON, DAVIDSON & KAPPEL, LLC  
485 SEVENTH AVENUE, 14TH FLOOR  
NEW YORK, NY 10018

**FORMALITIES LETTER**

\*OC000000005728378\*

Date Mailed: 02/02/2001

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$252.
  - \$252 for 14 total claims over 20.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1092.

*A copy of this notice MUST be returned with the reply.*

*B. Monroe*  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

04/09/2001 AGOITOM 00000027 09705625  
01 FC:101 710.00 OP  
02 FC:105 130.00 OP  
03 FC:103 252.00 OP

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, DC 20231

Docket No.: 300.1012

Date: April 2, 2001

In re application of: Chih-Ming Chen, et al.

Serial No.: 09/705,625

Filed: November 3, 2000

For: Methods For Treating Diabetes Via Administration Of Controlled Release Metformin

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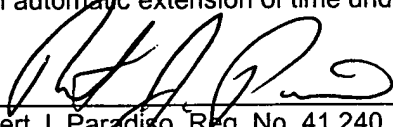
Transmitted herewith is a **Response to Notice to File Missing Parts** in the above-identified application.

- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.  
☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.  
☒ No fee for additional claims is required.  
☐ A filing fee for additional claims calculated as shown below, is required:

(Col. 1)		(Col. 2)		SMALL ENTITY			LARGE ENTITY		
FOR:	REMAINING	HIGHEST		RATE	FEE	OR	RATE	FEE	
	AFTER	PREVIOUSLY	PRESENT						
	AMENDMENT	PAID FOR	EXTRA						
TOTAL CLAIMS	* Minus**	=	0	x \$ 9	\$		x \$ 18	\$	
INDEP. CLAIMS	* Minus***	=	0	x \$ 40	\$		x \$ 80	\$	
[ ] FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$135	\$		+ \$270	\$	

TOTAL: \$ OR TOTAL: \$

- ☒ Also transmitted herewith are:  
☐ Petition for extension under 37 C.F.R. 1.136 (in duplicate)  
☒ Other: **Copy of Notice to File Missing Parts of Nonprovisional Application  
Declaration and Power of Attorney  
Application Data Sheet**
- ☒ Check(s) in the amount of **\$1092.00** is/are attached to cover:  
☒ Filing fee for additional claims under 37 C.F.R. 1.16  
☐ Petition fee for extension under 37 C.F.R. 1.136  
☒ Other: **Basic Filing Fee  
Late Filing Fee Surcharge**
- ☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.  
☒ Any patent application processing fees under 37 C.F.R. 1.17.  
☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

  
 Robert J. Paradiso, Reg. No. 41,240  
 DAVIDSON, DAVIDSON & KAPPEL, LLC  
 485 Seventh Avenue, 14<sup>th</sup> Floor  
 New York, New York 10018  
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 Fax: (212) 736-2427

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DAVIDSON, DAVIDSON &amp; KAPPEL, LLC

BY: 